

REMARKS

Claims 1-13 are pending in the Application, with claims 1, 7, and 12 being amended with this Response. The Examiner's rejections will now be respectfully addressed in turn.

Rejections under 35 U.S.C. §102(b)

Claims 1-5 and 12-13 have been rejected under 35 U.S.C. §102(b) as being anticipated by Non-Patent Literature to Knight ("Knight" hereinafter). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant's claims 1 and 12 respectively recite *inter alia*,

"a sensing layer associated to a seating surface of the vehicle seat," and

"employing a sensing layer associated to a seating surface of the vehicle seat."

Applicant respectfully asserts that Knight does not teach anything suggestive of a vehicle seat, as is recited in Applicant's claims. Instead, as is discussed throughout the reference, Knight is specifically directed to sensors used in clinical environments. For at least this reason, Applicant respectfully submits that the Knight reference does not teach every element of Applicant's claims 1 and 12, or claims 2-5 and 13 that depend therefrom.

In addition, Applicant respectfully notes that the stated and intended purpose of the sensors disclosed in Knight is directed usage in "clinical situations." Accordingly, if the Examiner were to propose a 103 rejection relying on a modification/combination of

the sensors in the Knight reference with known vehicle seat configurations, such a rejection would be improper under the 2143.01 V “intended purpose” section of the MPEP. This is because any structural association of the Knight sensors with a “vehicle seat” (as recited in Applicant’s claims) would result in these sensors necessarily having to travel with the vehicle seat, and thus, away from the stated “clinical situation.” Therefore, such a modification/combination would render the Knight sensors unsatisfactory for their intended clinical purpose. As such, this potential modification/combination would be improper under the 2143.01V “intended purpose” section of the MPEP.

Applicant additionally points out that claim 1 has been amended to recite, *inter alia*, “a control unit...being configured to select a pair of electrodes from said plurality of electrodes.” Knight does not teach selection of *pairs* of electrodes anywhere in the disclosure.

For at least the above reasons, Applicant respectfully submits that Applicant’s claims 1-5 and 12-13 are not anticipated by Knight, and would not be obvious in view of Knight as combined with any known vehicle seat, if such an obviousness rejection were to be made.

Rejections under 35 U.S.C. §103(a)

Claim 6 has been rejected under 35 U.S.C. §103(a) as being obvious over Knight in view of United States Patent No. 7,066,376 to Scher (“Scher” hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d

1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 6 depends from claim 1. Thus, Knight does not teach every element of Applicant's claim 6 (see the 102 Remarks above). Since the Scher does not remedy the above discussed deficiencies of Knight, Applicant respectfully asserts that the proposed combination of Knight and Scher does not teach every element of Applicant's claim 6. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 6 with respect to the proposed combination of Knight and Scher. Since the proposed combination of Knight and Scher fails to teach or suggest all of the limitations of claim 6, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 7-10 have been rejected under 35 U.S.C. §103(a) as being obvious over Knight in view of United States Patent No. 6,875,938 to Schmiz ("Schimz" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 7-10 include all of the elements of claim 1. Thus, Knight does not teach every element of Applicant's claims 7-10 (see the 102 Remarks above). Since the Schmiz does not remedy the above discussed deficiencies of Knight, Applicant respectfully asserts that the proposed combination of Knight and Schmiz does not teach every element of Applicant's claims 7-10. Accordingly, Applicant respectfully submits

that *prima facie* obviousness does not exist regarding claims 7-10 with respect to the proposed combination of Knight and Schmiz. Since the proposed combination of Knight and Schmiz fails to teach or suggest all of the limitations of claims 7-10, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claim 11 has been rejected under 35 U.S.C. §103(a) as being obvious over Knight in view of Schmiz and United States Patent No. 6,829,942 to Yanai ("Yanai" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 11 depends from claim 7, which, as mentioned above, includes every element of claim 1. Thus, Knight does not teach every element of Applicant's claim 11 (see the 102 Remarks above). Since the neither Schmitz nor Yanai remedy the above discussed deficiencies of Knight, Applicant respectfully asserts that the proposed combination of Knight, Schmitz, and Yanai does not teach every element of Applicant's claim 116. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 11 with respect to the proposed combination of Knight, Schmitz, and Yanai. Since the proposed combination of Knight, Schmitz, and Yanai fails to teach or suggest all of the limitations of claim 11, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Booth References

Though the Booth references are not included in any of the rejections, Applicant would like to respectfully note that neither Booth reference teaches or suggests anything regarding vehicle seats, and thus, neither of these references would be useful in overcoming the deficiencies of the prior art references discussed above. Furthermore, Applicant respectfully submits that the Booth references actually teach away from Applicant's disclosure in that they consider a distributed electrode arrangement to be better suited than a peripheral arrangement (please see "Comparing electrode configurations for electrical impedance tomography," Fig. 1 phantom C and the paragraph below Fig. 3 on page 649; and "Distributed pressure measurements using electrical impedance tomography: initial results," Fig. 1(b) and the paragraph preceding Fig. 1).

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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